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October 26, 2020

VIA ECF

Hon. J. Paul Oetken, U.S.D.J.
Thurgood Marshall
United States Courthouse
Southern District of New York
40 Foley Square, Room 2101
New York, New York 10007

Re: Hines v. Roc-a-Fella Records, Inc., et al., No. 19-cv-4587 (JPO) (“Hines I”)
Hines v. EMI April Music, Inc., et al. No. 20-cv-03535 (JPO) (“Hines II”)

Dear Judge Oetken:

We are counsel to certain defendants (“Defendants”) in the above-captioned actions. We write further to my letter to the Court dated October 5, 2020, and in response to the letter to the Court by Plaintiff Ernie Hines of today’s date.

As of this date, the Court has not granted Plaintiff’s request for a further continuation of the stay in these matters and, as set forth in my October 5, 2020 letter, we oppose any further extension of the stay. In fact, Plaintiff has had another 24 days since his October 2, 2020 letter to this Court to obtain counsel to appear in these matters, and he has not done so. As set forth in our prior letter, following Mr. Hines’s prior attorney’s withdrawal—based upon the demonstrated baseless nature of Mr. Hines’s claims—Mr. Hines had an abundance of time to obtain new counsel of record. Mr. Hines has been unable to do so, because of the demonstrated lack of merit of his claims.

Nonetheless, during the pendency of the stay, Mr. Hines’s agent, non-party Stephen Hacker, who is acting behind the scenes for him in these matters, has repeatedly sought to pressure defendants to “settle.” We have informed Mr. Hacker in no uncertain terms to cease that effort, and that there is no interest in paying any “settlement.” Yet, Mr. Hines has now sent this Court a wholly inappropriate letter of purported “urgency,” seeking to engage the Court in their efforts to obtain a “settlement,” which efforts are now ostensibly coordinated with an attorney who clearly will not appear in this action and stand behind Plaintiff’s allegations under Rule 11. Defendants respectfully submit that these efforts should not be countenanced.

Accordingly, we respectfully request that this Court formally lift the stay, so that these matters may move to resolution, including on the pending motion by defendants for reconsideration in *Hines I*. Defendants intend to file a motion to dismiss *Hines II* and to seek the imposition of a bond in both *Hines* actions pursuant to Local Civil Rule 54.2. We propose that Court enter the following briefing schedule for this intended motion: Defendants’ Motion: November 20, 2020;



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Plaintiff's Opposition, if any: December 4, 2020; and Defendants' Reply, if any: December 11, 2020.

We greatly appreciate the Court's consideration of this matter.

Respectfully,

/s/ Christine Lepera

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cc: Ernie Hines (Via Email)